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QUESTION OF RESPONSIBILITY FOR ATTACKS ON UNITED NATIONS AND ASSOCIATED PERSONNEL AND MEASURES TO ENSURE THAT THOSE RESPONSIBLE FOR SUCH ATTACKS ARE BROUGHT TO JUSTICE

Report of the Sixth Committee

Rapporteur: Mr. Oleksandr F. MOTSYK (Ukraine)

I. INTRODUCTION

1. The item entitled "Question of responsibility for attacks on United Nations and associated personnel and measures to ensure that those responsible for such attacks are brought to justice" was included in the provisional agenda of the forty-eighth session of the General Assembly pursuant to a request by New Zealand (A/48/144).

2. At its 3rd plenary meeting, on 24 September 1993, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and allocate it to the Sixth Committee.

3. In connection with the item, the Sixth Committee had before it the following documents:

(a) Proposal by New Zealand for a draft convention on responsibility for attacks on United Nations personnel (A/C.6/48/L.2);

(b) Letter dated 7 October 1993 from the Permanent Representative of Ukraine to the United Nations addressed to the Secretary-General transmitting the text of a draft international convention on the status and safety of the personnel of the United Nations force and associated civilian personnel (A/C.6/48/L.3).

4. The Sixth Committee initially considered the item at its 13th to 16th meetings, held between 19 and 21 October 1993. The summary records of those meetings contain the views of the representatives who spoke during the Committee's initial consideration of the item (A/C.6/48/SR.13-16).

5. At its 16th meeting, on 21 October, the Sixth Committee established a Working Group under this item and elected Mr. Philippe Kirsch (Canada) Chairman of the Working Group. The Working Group held five meetings between 19 October and 15 November.

6. At the 29th meeting of the Sixth Committee, on 15 November, the Chairman of the Working Group presented an oral report on the work of the Working Group (see A/C.6/48/SR.29).

II. CONSIDERATION OF DRAFT RESOLUTION A/C.6/48/L.12

7. At the 35th meeting, on 23 November, the representative of New Zealand, also speaking on behalf of Ukraine, introduced a draft resolution entitled "Question of responsibility for attacks on United Nations and associated personnel and measures to ensure that those responsible for such attacks are brought to justice" (A/C.6/48/L.12) sponsored by Afghanistan, Australia, Austria, Belgium, Brazil, Canada, Denmark, Fiji, France, Hungary, Malaysia, Nepal, New Zealand, Norway, Poland, Portugal, Singapore, Spain, Sweden, Trinidad and Tobago, Ukraine, the United Kingdom of Great Britain and Northern Ireland, Uruguay and Venezuela, later joined by Argentina, Bulgaria, Cambodia, Chile, the Czech Republic, Ecuador, Finland, Germany, Greece, Italy, the Netherlands, Nigeria, Peru, the Republic of Moldova, Romania, Tunisia and the United States of America.

8. The Committee had before it a statement by the Secretary-General on the programme budget implications of the draft resolution (A/C.6/48/L.14).

9. At its 37th meeting, the Committee adopted draft resolution A/C.6/48/L.12 without a vote (see para. 10).

III. RECOMMENDATION OF THE SIXTH COMMITTEE

10. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

Question of responsibility for attacks on United Nations and associated personnel and measures to ensure that those responsible for such attacks are brought to justice

The General Assembly,

Recalling the report of the Secretary-General entitled "An Agenda for Peace" 1/ and General Assembly resolution 47/120 B of 20 September 1993,

Recalling also its resolution 47/72 of 14 December 1992,

Gravely concerned at the increasing number of attacks on United Nations personnel that have caused death or serious injury,

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1/ A/47/277-S/24111.

Recalling the statement made by the President of the Security Council, on behalf of the Council, on 31 March 1993, 2/ in which the Security Council, inter alia, recognized the need for all relevant bodies of the Organization to take concerted action to enhance the safety and security of United Nations forces and personnel,

Recalling further the report of the Special Committee on Peace-keeping Operations, 3/

Having considered the report of the Secretary-General of 27 August 1993 on the security of United Nations operations, 4/

Recalling Security Council resolution 868 (1993) of 29 September 1993,

Noting with appreciation the draft proposals submitted by the delegations of New Zealand 5/ and Ukraine 6/ under this item,

Welcoming the oral report of the Chairman of the Working Group established under the item, 7/

1. Decides to establish an Ad Hoc Committee open to all Member States to elaborate an international convention dealing with the safety and security of United Nations and associated personnel, with particular reference to responsibility for attacks on such personnel;

2. Decides further that the Ad Hoc Committee shall be authorized to hold a session from 28 March to 8 April 1994 and, if the Ad Hoc Committee itself so decides, to hold a further session from 1 to 12 August 1994, to prepare the text of a draft convention, taking into account any suggestions and proposals from States as well as comments and suggestions that the Secretary-General may wish to provide on this subject, and bearing in mind views expressed during the debate on this item at the forty-eighth session of the General Assembly;

3. Requests the Secretary-General to provide the Ad Hoc Committee with the necessary facilities for the performance of its work;

4. Requests the Ad Hoc Committee to report to the General Assembly at its forty-ninth session on progress made towards the elaboration of the draft convention;

2/ See S/25493.

3/ A/48/173.

4/ A/48/349-S/26358.

5/ A/C.6/48/L.2.

6/ A/C.6/48/L.3.

7/ See A/C.6/48/SR.29.

5. Recommends that a working group be re-established in the framework of the Sixth Committee at its forty-ninth session in the event that further work is required for the elaboration of the draft convention;

6. Decides to include in the provisional agenda of its forty-ninth session the item entitled "Question of responsibility for attacks on United Nations and associated personnel and measures to ensure that those responsible for such attacks are brought to justice".